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Attorneys for Defendants Apollo Group, Inc.

UNITED STATES DISTRICT COURT – SOUTHERN DISTRICT OF  
CALIFORNIA

CHAD MCKINNEY, an individual,  
Plaintiff

v.  
APOLLO GROUP, INC.,  
UNIVERSITY OF PHOENIX, a  
Corporation, MECHELLE  
BONILLA, an Enrollment Manager  
at UNIVERSITY OF PHOENIX,  
KYAN FLYNN, Director of  
Enrollment at UNIVERSITY OF  
PHOENIX, APRIL ALCORN, an  
Employees Relations Consultant at  
UNIVERSITY OF PHOENIX,  
CARLYN LINDSTEN, Associate  
Director of Enrollment at  
UNIVERSITY OF PHOENIX

## Defendants

**CASE NO. 07-CV-2373 WQH CAB**

**DECLARATION OF ELLEN  
BOWENS IN SUPPORT OF  
APOLLO GROUP, INC.'S MOTION  
TO SET ASIDE ENTRY OF  
DEFAULT**

[FRCP 55(c)]

Date: April 7, 2008

Time: 11:00 a.m.

Courtroom: 4

Judge: Hon. William Q. Hayes

DATE OF FILING: December 19, 2007

1 I, Ellen Bowens, declare as follows:

2       1. I am over the age of 18. I am currently employed at the University of  
 3 Phoenix, Inc. ("UOP") as the Associate Director of Operations for its San Diego  
 4 Campus. On January 31, 2008, I was the Operations Manager for UOP's San  
 5 Diego Campus. In the capacity as Operations Manager, I oversaw campus  
 6 operations regarding attendance, customer service, campus safety and facilities. As  
 7 a major function of my duties, I supervised entry level receptionists and  
 8 administrative assistants. Unless otherwise indicated, I state the following based on  
 9 my own personal knowledge.

10      2. I am not, and have never been, employed by Apollo Group, Inc.  
 11 ("Apollo"). In carrying out my duties as an Operations Manager for UOP's San  
 12 Diego Campus, I reported to the Director of Student Services/Operations, Colleen  
 13 Bjornson, who in turn reported to the San Diego Campus Director, Kim Savich. I  
 14 did not, and do not, have management responsibilities to direct UOP. Additionally,  
 15 I have never been an officer, managing agent, general manager or authorized agent  
 16 able to accept service of process on behalf of UOP. To that end, I have never been  
 17 given management responsibilities to direct Apollo, nor have I ever been an officer,  
 18 managing agent, general manager or authorized agent able to accept service of  
 19 process on behalf of Apollo either.

20      3. On or around the end January 2008, I was asked by a subordinate  
 21 receptionist to help with a man trying to "serve" court papers at her desk. I do not  
 22 recall the man identifying himself, but I informed him that neither I nor the  
 23 receptionist was authorized to accept service on behalf of UOP. I then informed the  
 24 man that UOP had an agent for service of process, CT Corporation. The man then  
 25 stated that we "did not know the law," left the papers on a table and stormed away.  
 26 The man was very belligerent throughout the entire process. At no time did the  
 27 man indicate that he was attempting to serve court papers on Apollo. Afterwards, I  
 28 called CT Corporation in an attempt to determine what to do with the papers, but

1 was told that it could not advise me in that capacity. I then called UOP's Human  
2 Resources Department and mailed the papers to that department.

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4 I declare under penalty of perjury under the laws of the State of California  
5 that the foregoing is true and correct.

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Dated: March 5, 2008

Ellen Bowens  
Ellen Bowens

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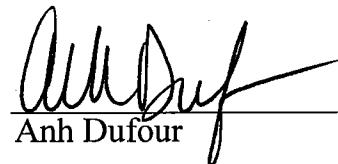
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1 **PROOF OF SERVICE**2 *USDC - Southern District, Case No. 07-CV-2373 WQH CAB*3 I am employed in the County of Orange, State of California. I am over the age of  
4 18 and not a party to the within action; my business address is 600 Anton Boulevard,  
5 Suite 1400, Costa Mesa, California 92626.6 On March 7, 2008, I served, in the manner indicated below, the foregoing  
7 document described as **DECLARATION OF ELLEN BOWENS IN SUPPORT OF**  
8 **APOLLO GROUP, INC.'S MOTION TO SET ASIDE ENTRY OF DEFAULT** on  
9 the interested parties in this action by placing true copies thereof, enclosed in sealed  
10 envelopes, at Costa Mesa, addressed as follows:

11 Chad McKinney 9 Pro Se 10 6266 Madeline Street, Apt. #61 12 San Diego, CA 92115	13 Plaintiff 14 Tel: 619-634-3566
15 United States District Court 16 Attention: Hon. Judge William Q. Hayes 940 Front Street 17 San Diego, CA 92101	

18  BY FEDERAL EXPRESS: I caused such envelopes to be delivered by air  
19 courier, with next day service, to the offices of the addressees. (C.C.P. §  
20 1013(c)(d)).21 I declare under penalty of perjury under the laws of the State of California that the  
22 above is true and correct.

23 Executed on March 7, 2008, at Costa Mesa, California.

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Anh Dufour